

Mr. Staigar remains under oath. Mr. Simoff had referred to the AASHTO manual regarding sight triangles and sight distances along Belle Mead-Griggstown Road. He made the measurement from 5' behind the stop bar on Covert Drive. The measurement should be made 14½' from the edge of travel way which provides sufficient sight distance. Mr. Simoff provided diagrams of a WB-50 truck circulating around the site. The applicant is not expecting a WB-50 truck making deliveries on the site. If there is a tenant that does, it will most likely be a tenant on the southerly side of the building, so the truck will come in off Route 206, go to the rear of the building and exit straight through the southerly driveway on Covert Drive. If it would take the turn up to the northerly driveway, the plan could be modified by shaving off the curb a little bit. The traffic report did not take into account the Pike Run Plaza because typically a traffic report takes into account projects that may be approved but not yet built and occupied. A sensitivity analysis was done for the potential development at the Municipal Building site.

Mr. Shimanowitz discussed the extended vesting. When the General Development Plan approval was granted the approval vested the zoning on the site for a period of ten years from the first final approval. He asked that the Board continue the same protection as part of this application.

Lori Savron, Planning Director, was sworn in. Ms. Savron updated the Board on Covert Drive. The Planning Board approved the subdivision of Block 6001 Lot 1 which was memorialized on February 10, 1992. The subdivision created Lot 1.01 comprising 2.21 acres for a new fire station, a proposed 50' right-of-way comprising about a ½ acre labeled Covert Drive, new Lot 1 comprising 4.85 acres and approximately 9.25 acres was conveyed to the Township and added to existing Lot 12. The subdivision map was recorded in the County Clerk's office on August 24, 1992. The subdivision resolution contained a recommendation to the Township Committee that it extend Covert Drive to Griggstown Road. New Lot 1.01 was then conveyed by Bellemead Development Corporation to the Township by Deed in 1992. The Deed contained a restrictive covenant that the property conveyed could be used solely for a fire station and/or other similar purposes. The Fire Company was not willing to accept the conveyance from the Township for new Lot 1.01 with the restrictive covenant running in perpetuity. In order to facilitate the fire company's use and ownership of Lot 1.01 the Township adopted an ordinance and re-conveyed Lot 1.01 to Bellemead Development Corporation which then conveyed 1.01 without the covenant running in perpetuity to the fire company. The Deed from Bellemead Development to the fire company did not include Covert Drive. On August 3, 1995 the Township Committee agreed to make improvements to Covert Drive. No ordinance vacating Covert Drive has ever been adopted. When the fire company received site plan approval they requested two front yard setback variances along Covert Drive because the new fire station was planned to be 40' from Covert Drive. The zoning ordinance required a minimum front yard setback of 50'. In a memo dated February 5, 1996 the Zoning Officer confirmed that until Covert Drive is vacated the setback along a local road is 50'. A bond ordinance was adopted in 1996 appropriating \$56,000 for construction to Covert Drive. In 1996 bids were taken and a contract awarded to Paving Materials. Covert Drive was improved by the Township in 1996 including paving approximately 450'. The fire company was permitted by the Township to make connections to public water and sewer within Covert Drive. Township Police Officers regularly use Covert Drive to access Belle Mead-Griggstown Road. Other members of the Township Staff use Covert Drive for purposes of ingress and egress to the Municipal Building. The Township does not refuse to plow Covert Drive but has permitted the fire company to do so because they prefer to have it plowed by one its contractors earlier than the Township would plow it. When the contractor has been unavailable the Township has plowed Covert Drive. The Township plows the front 75' wide driveway from the fire station out to Belle Mead-Griggstown Road at all time during snow storms. The Township does not assert an ownership interest in the fire company's main driveway. No ordinance conveying Covert Drive has ever been adopted and no ordinance vacating Covert Drive has ever been adopted.

Mr. Simon confirmed the memorandum of understanding has been executed and provides in part that the fire company withdraw its objections the application which is contingent on full compliance with the memorandum of understanding. The fire company withdraws its objection and supports the developer in the application.

Chairman Conforti opened the meeting to the public. There was no public comment. A motion to close the public hearing was made by Mr. Sarle, which was seconded by Ms. Davis. This carried on the following voice call vote: Ayes (9) Nays (0) Abstentions (0)

Mr. Wilson asked what controls the uses of the retail units. Mr. Linnus replied that any change of use would require a zoning permit. The Zoning Officer would make an initial determination as to whether there are adequate parking spaces for the users. The Zoning Officer would have the right to send them back to the Board to review the parking situation. There will be language in the resolution. Mr. Wilson asked if the Board could limit the size of delivery vehicles and the hours the deliveries could be made. Mr. Linnus asked the applicant to represent they would not object to a condition on limiting it to a WB-40 truck. Mr. Shimanowitz agreed except for a tenant fit-up when a larger truck may be required.

Mr. Glockler said he is concerned with the number of variances Belle Mead Plaza requires. He used to sit on the Zoning Board and he did not hear the testimony that is usually required in order to grant the variances. Mr. Linnus said the testimony was based on C-2 proofs. With a C-2 variance the Board looks to see if what is being proposed presents a better zoning alternative and if the positive exceeds the negative the variance can be granted.

The Board and professionals discussed whether the requested variances were unusual for a large mixed use project.

Ms. Davis said she has an issue with the height of the sign that is located on the corner.

Mr. Bernard, who remains under oath, provided brief testimony regarding the three freestanding commercial signs. The variances requested are for the number of signs (3 versus 1 permitted), the height of the main sign (13' versus 8' permitted) and the setback to the street (10' versus 20' permitted). Two Board members questioned the need for the height of the main sign. Testimony was provided that it is not inconsistent with the character of the area and other signs along Route 206. The applicant said they could make the signs so that the total width of the larger sign would be 9' wide and the smaller sign 6'10" wide. The height would remain the same of 13' for the main sign and 8' for the other two signs.

Ms. Davis asked why the main sign couldn't be reduced to 8'.

Mr. Bernard testified that this is the main sign for the shopping center. It will advertise all the tenants in the center with 15" tall lettering which allows the panels to be visible to the traveling public.

Ms. Davis suggested reducing the space between the ground and the bottom of the sign. Mr. DeRochi noted that other pylon signs along Route 206 are obscured by the street trees because the signs are too tall.

Mr. Wilson asked if there would be building mounted signs over the retail spaces and if the signs will be lit. Mr. Shimanowitz responded that the signs would be lit from the front.

In response to a suggestion by Mr. Wilson, the main sign will be located so that it is generally parallel to Belle Mead-Griggstown Road and generally perpendicular to Route 206.

Mr. Fleming noted that there are mechanical items at the intersection that are in front of the sign. The sign is being elevated to get above those items.

The applicant proposed to reduce the sign height to 11'. The decorative cap will be removed.

Mr. Linnus listed the other variances the Board is considering; lot coverage, loading space, landscape area, buffer requirements, trash enclosure setback, wet basin setback, Country Club Meadows freestanding signs, Belle Mead Plaza freestanding signs; building façade of Belle Mead Plaza and building size.

Mr. Fleming noted that the trash enclosure along Route 206 has been moved so a variance is not needed for that enclosure.

Mr. Cline suggested conditions regarding parking and restaurants, sewer capacity and that the applicant's engineer give the design lot coverage for the residential lots so that the information is available for future use.

Mr. Linnus listed the exceptions/waivers the Board is considering; pedestrian access not provided along Country Club Meadows Route 206 frontage, tree planting for disturbed land, no street trees provided along Country Club Meadow portion of the development, street lighting intensity higher than what is permitted and parking lot lighting higher than what is permitted, Country Club Meadows sign wall height and retaining wall height.

Mr. Shimanowitz said that the applicant is not seeking relief for the signage lighting.

Mr. Sarle commented that he is concerned with the street and parking lot lighting levels. Mr. Fleming responded that the lighting in Country Club Meadows is on the through road and then at the intersections. Belle Mead Plaza has a higher quality of light and a better distribution so there won't be hot spots below the lights.

The Board felt the increase in lighting at Country Club Meadows is de minimis.

The Board asked the applicant to explain why the parking lot is almost double what is allowed. There was concern from some of the members on the impact to the residents that will be living on the second floor. Mr. Fleming said they are proposing 150 watt fixtures and the wattage of the center lights could be downgraded. He will revise the plan to target 1 foot candle average with leniency of 20 percent or 1.2 foot candles. He will work with the Board professionals.

The Board discussed the tree waiver request.

The Board discussed the fire signage plan. Mr. Shimanowitz said the changes to the configuration of the access to the firehouse may change the signaling plan. He suggested the plan be left as proposed pursuant to preliminary approval and it will be reviewed with the professionals and Board when they come in for final.

Mr. DeRochi suggested the main sign be 10' in height and mounted 2' above the curb which will allow it to be above the electrical equipment for the traffic signal. The width of the 10' high sign will be 9'.

A motion to approve the variances was made by Mr. DeRochi and seconded by Mr. Wilson. This motion carried on the following roll call vote:

Ayes: Davis, DeRochi, Madrid, Mani, Matthews, Sarle, Wilson and Conforti

Nays: None

The applicant agreed to Mr. Bartolone's memo which includes putting money into the Township Tree Bank.

A motion to approve the waivers/exceptions was made by Mayor Madrid and seconded by Mr. Sarle. The motion carried on the following roll call vote:

Ayes: Davis, DeRochi, Madrid, Mani, Matthews, Sarle, Wilson and Conforti

Nays: None

A motion to approve preliminary site plan and subdivision subject to plan revisions, to all the agreements of the applicant on record, to compliance with all staff reports where agreed to and other standard conditions was made by Mayor Madrid and seconded by Vice Chairman Matthews. The motion carried on the following roll call vote:

Ayes: Davis, DeRochi, Madrid, Mani, Matthews, Sarle, Wilson and Conforti

Nays: None

V. MINUTES

September 21, 2015 – Regular Meeting

A motion to approve the minutes was made by Ms. Davis and seconded by Mr. Mani. The motion carried on the following roll call vote:

Ayes: Conforti, Matthews, Davis, DeRochi, Madrid, Mani and Wilson

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.